

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK APPLIANCE INC,

No. C-07-06053 EDL

No. C-08-01641 EDL

Plaintiff,

v.

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

SUN MICROSYSTEMS INC,

Defendant.

Following the October 3, 2008 case management conference in the above captioned cases,
the following is ordered for the 07-6053 case:

Close of fact discovery is January 16, 2009.

Opening expert reports are due on February 27, 2009. Rebuttal expert reports are due on
March 20, 2009. The close of expert discovery except on damages is April 10, 2009. Expert
discovery on damages need not go forward at this time. The parties shall further meet and confer as
to whether any other discrete expert discovery issues need not go forward at this time.

The parties shall further meet and confer about narrowing the issues in this case and about
whether summary judgment motions will involve cross-briefs. The Court will first entertain
summary judgment motions that involve issues relating to the claim terms the Court has already
construed, including infringement and invalidity grounds. Parties shall file the final reply briefs of
those summary judgment motions no later than May 26, 2009. The parties shall report back to the
Court regarding the remaining briefing schedule. The Court will hold a hearing on summary
judgment motions on NetApp's patents on June 18, 2009, and on Sun's patents on June 25, 2009.

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1 For the 08-1641 case, it is hereby ordered that:

2 The parties shall meet and confer and provide a prioritized list to the Court of no more than
3 ten claim terms it proposes that the Court construe (in the same manner it provided such a list in the
4 related cases). The claim construction hearing in this case is continued, and the hearing on terms
5 from Sun's patents shall take place on April 1, 2009, and the hearing on terms from NetApp's
6 patents shall take place on April 15, 2009.

7 **IT IS SO ORDERED.**

8 Dated: October 7, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge